

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Legislation – Proposals to Law Department for Preparation of draft Bills/Ordinances – Certain guidelines - Orders – Issued.

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LAW (F) DEPARTMENT

G.O.Rt.No. 1530

Date 2-7-2013

**ORDER:-**

The procedure to be followed and the steps to be taken by the departments of Secretariat in respect of legislation from the initial stage of formulation of the policy in the administrative department, till the publication in the A.P. Gazette, as an Act of the State Legislature or as the case may be an Ordinance promulgated by His Excellency the Governor, are provided in detail, in the Andhra Pradesh Government Business Rules and the Secretariat Instructions issued thereunder.

2. Though the Law Department in Secretariat is in charge of the preparation of drafting of all the Government Bills sponsored by the remaining departments of the Secretariat, it is not an originating department in respect of legislation and its proper function is to put into technical shape, the contents of legislation of which the policy has been approved, duly taking into consideration the administrative, financial and political considerations involved therein.

3. Drafting of a Bill is a laborious process which involves several stages viz., understanding, analysis, design, composition, scrutiny etc. preceded by examination in detail about the need or desirability for such legislation in the light of existing State and Central laws, competency of State Legislature to legislate on the subject matter under the Constitution, consistency of the proposed measure with the provisions of the Constitution, requirements such as obtaining previous sanction or as the case may be prior instructions from the President of India thereto, case law and the judgments of the Hon'ble Courts on the subject matter, and followed by actual process of preparation of tentative draft Bill.

4. As the drafting of a Bill is a cooperative process consultation, meetings and conferences, with the officers who are acquainted with the subject in the administrative department are essential. Since the intentions of the administrative department i.e. the sponsors have to be carried out, the closest cooperation/participation, between the department in charge of the Bill and the Law Department, is invariably desirable at all stages i.e. from the initial stage, preparation, finalization, introduction in the Legislature, its passage through Legislature, obtaining the assent of the Governor / President followed by its publication, in the A.P. Gazette.

5. Owing to the above, since, the drafting of a Bill is highly a technical discipline and necessarily a task that ought to be carried under conditions which allow sufficient time for deliberate thought and research upon many points connected with and touching the subject, all the Secretaries to Government are requested to send proposals for legislation to Law Department well in advance duly following the A.P. Government Business Rules and Secretariat Instructions allowing sufficient time and in any case not less than three months prior to placing the matter before the Council of Ministers or any Committees constituted for the purpose (save in exceptional cases); and to extend cooperation in consultation/discussion/meetings with the concerned officers in Law Department in this regard so as to make the legislative scheme sound and workable in the larger interest of the Government and public at large.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR.PRASANNA KUMAR MOHANTY  
CHIEF SECRETARY TO GOVERNMENT

To

All the Spl. Chief Secretaries/Prl. Secretaries/  
Secretaries to Govt.

Copy to:

P.S.to Hon'ble M (Law & Courts)

P.S. to C.S.

P.S. to Secretary to Govt. (L.A.& J.)

P.S. to Secretary to Govt.(Legal Affairs)

s/f & s/c.

// Forwarded::By Order//

SECTION OFFICER